

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WAYMO LLC,
Plaintiff,

v.

UBER TECHNOLOGIES, INC., et al.,
Defendants.

Case No. [17-cv-00939-WHA](#) (JSC)

**ORDER GRANTING IN PART AND
DENYING IN PART
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL**

Re: Dkt. No. 681

Plaintiff Waymo LLC filed an Administrative Motion to File Under Seal portions of its June 21, 2017 Letter Brief Regarding its Motion to Compel (“Letter Brief”) and Exhibits 1-3, 5-9, 13, and 16 thereto. (Dkt. No. 681.) After carefully considering the parties’ submissions, the motion is GRANTED in part and DENIED in part.

Waymo seeks to seal the portions of its Letter Brief highlighted in green (Dkt. No. 681-4 at 6¹) because this information “discloses Waymo’s trade secrets and confidential business information.” (Dkt. No. 681 at 3.) Waymo also seeks to seal the portions of its Letter Brief highlighted in blue and Exhibits 1-3, 5-9, 13, and 16 “only because Defendants have designated the information confidential and/or highly confidential.” (Dkt. No. 681 at 2.)

Defendants Uber Technologies and Ottomotto LLC (collectively, “Defendants”) filed a Declaration in support of Waymo’s Administrative Motion. (Dkt. No. 741.) Defendants narrowed the requests for sealing to the portions of the Letter Brief and exhibits thereto listed below:

- 1) The marked portions (in red boxes) of Waymo’s Letter Brief (Dkt. No. 741-1);
- 2) The marked portions (in red boxes) of Exhibit 3 (Dkt. No. 741-2);

¹ Record citations are to material in the Electronic Case File (“ECF”); pinpoint citations are to the ECF-generated page numbers at the top of the documents.

3) The entirety of Exhibits 5 and 6 (Dkt. Nos. 681-10 and 681-11);

4) The marked portions (in red boxes) of Exhibits 7, 8, 13, and 16 (Dkt. Nos. 741-3, 4, 5, and 6.)

Defendant Otto Trucking also filed a Declaration in support of Waymo's Administrative Motion, requesting the sealing of the highlighted portions of the Letter Brief as well as the entirety of Exhibits 1 and 7. (Dkt. No. 740.) Otto Trucking argues that the highlighted portions of the Letter Brief and Exhibit 1 "include highly confidential, sensitive business information relating to the terms of Otto Trucking's agreements" and the company's corporate structure. (*Id.* at 2.) Otto Trucking also argues that Exhibit 7 should be sealed because it "contains personally identifiable information of a third party, and must therefore not be made public." (*Id.*)

Having considered the administrative motion, and good cause to seal having been shown, the Court GRANTS Defendants' requests to seal the following:

1) The marked portions (in red boxes) of Waymo's Letter Brief (Dkt. No. 741-1);

2) The entirety of Exhibit 1 (Dkt. No. 681-5);

3) The marked portions (in red boxes) of Exhibit 3 (Dkt. No. 741-2 at 7-13);

4) The marked portions of Exhibits 7, 8, 13, and 16 (Dkt. Nos. 741-3 at 2, 741-4 at 2, 741-5 at 9-10, and 741-6 at 4-8.)

The Court also finds good cause to GRANT Waymo's request to seal the green highlighted portions of its Letter Brief. (Dkt. No. 681-4 at 6.)

Defendants have not established why the entirety of Exhibits 5 and 6 (Dkt. Nos. 681-10 and 681-11) should be sealed. Most of these emails do not contain confidential information, but instead discuss scheduling or the signing of the Term Sheet or Indemnity Construct, which are now publicly known. Accordingly, sealing as requested by Defendants is DENIED.

Defendants did not address the sealing of Exhibits 2 (Dkt. No. 681-7) and 9 (Dkt. No. 681-14) in their Declaration in support of sealing. Thus, the Court DENIES sealing of those two exhibits.

Waymo shall file public versions of their briefs and exhibits consistent with this Order by no later than July 20, 2017. *See* N.D. Cal. Civ. L.R. 79-5(f)(3).

This Order disposes of Docket No. 681.

IT IS SO ORDERED.

Dated: July 13th, 2017

A handwritten signature in black ink, reading "Jacqueline Scott Corley". The signature is written in a cursive, flowing style. The first name "Jacqueline" is written in a larger, more prominent script, while "Scott Corley" is written in a slightly smaller, more compact script. The signature is positioned above a horizontal line.

JACQUELINE SCOTT CORLEY
United States Magistrate Judge

United States District Court
Northern District of California